

REMARKS

Applicant respectfully requests reconsideration of this application in view of the foregoing amendments and the following remarks.

Drawings

The drawings have been objected to for not being properly labeled as prior art. Applicant notes the stated objection and will, in due course, provide revised drawings for figures 8-10 which will each respectively be amended to include the legend --PRIOR ART--.

Claim Status

Claims 1-20 are pending in this application. Claims 1, 7, 10 and 16 are independent in form. Claims 7-9 have been allowed. Claims 2-6 and 11-16 have been objected to. Claims 1, 10 and 17-20 have been rejected. By this amendment, claims 2 and 11 are canceled without prejudice or disclaimer and claims 1, 5, 10, 16-20 are amended. No new matter is presented.

Claim Objections

Claims 5, 16, 19 and 20 have been indicated as including allowable subject matter but have been objected to because of informalities as stated. (See Office Action, pages 2, ¶3.)

Applicant has amended claim 5 to depend on claim 4 and has amended claim 16 to render these objections moot.

Rejections under 35 U.S.C. §101

Claims 17-20 have been rejected under 35 U.S.C. §101 for allegedly being directed to non-statutory subject matter. Applicant has amended claims 17 and 19 to include a positive recitation of a computer readable medium.

Applicant respectfully requests that the rejection to claims 17-20 be withdrawn as having been overcome or otherwise rendered moot.

Rejections under 35 U.S.C. §§102(b) and 103

Claims 1 and 10 have been rejected under 35 USC §102(b) as being anticipated by Ohzu et al. U.S. Patent No. 5,771,070 (“Ohzu”) and claims 17 and 18 have been rejected under 35 USC §103 as being unpatentable over Ohzu.

While Applicant does not agree with the characterization of independent pending claims 1 and 10 and the stated rejections, Applicant respectfully traverses the rejections of these independent claims and the claims dependent therefrom, and respectfully request reconsideration of in view of the foregoing amendments and following remarks.

Applicant has amended independent claims 1 and 10 to incorporate the features of objected to (and herein canceled) claims 2 and 11 and accordingly believe amended claims 1 and 10 to be allowable for incorporating such allowable subject matter. Accordingly, for at least the stated reasons, independent claims 1 and 10, and the claims depending therefrom, are believed allowable.

Dependent Claims

Applicant has not independently addressed the rejections of the dependent claims because Applicant submits that, as the independent claims from which the dependent claims depend are believed allowable for at least the reasons discussed *supra*, the dependent claims are believed allowable for at least similar reasons. Applicant, however, reserves the right to address such rejections should such response be necessary and appropriate.

Information Disclosure Statement

Applicant concurrently files an Information Disclosure Statement (“IDS”), the consideration of which is respectfully requested. While Japanese Patent Application No. 11-

55509 was previously cited in the IDS filed on June 26, 2003, with an English abstract therefor provided, the item cited on the instant IDS is a translation of a portion of Japanese Patent Application No. 11-55509. Applicant respectfully requests that the Examiner indicate consideration of the item cited on the PTO 1449 accompanying the concurrently filed IDS by returning an initialed copy of the PTO 1449 to Applicant.

CONCLUSION

In view of the foregoing, the present invention as recited in the claims presented herein is believed patentably distinct over the art of record and Applicant respectfully requests that the respective rejections be withdrawn and the application be allowed as the application is believed to be hereby placed in condition for allowance.

If any outstanding issues remain, however, the Examiner is invited to contact the undersigned at the telephone number below.

AUTHORIZATION

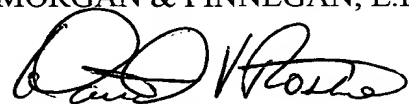
While no fees or extension of time are believed necessary for this Amendment, should an extension of time be required for the timely submission of this paper, such extension is hereby petitioned, and the Commissioner is hereby authorized to charge any additional fees which may be required for this Amendment, or credit any overpayment, to Deposit Account No. 13-4500, Order No. 1232-4743.

An early and favorable examination on the merits is respectfully requested.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

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